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Z-MAN FISHING PRODUCTS, INC.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA - OAKLAND DIVISION

APPLIED ELASTOMERICS,  
INCORPORATED, a California corporation

Plaintiff,

v.

Z-MAN FISHING PRODUCTS,  
INCORPORATED, a South Carolina  
corporation

Defendant.

AND RELATED COUNTERCLAIMS

Case No. C062469 CW

ORDER GRANTING STIPULATION  
REGARDING BRIEFING SCHEDULE

Honorable Claudia Wilken

Trial Date: November 13, 2007

Plaintiff and Counter-Defendant Applied Elastomerics, Incorporated ("AEI") and  
Defendant and Counter-Complainant Z-Man Fishing Products, Incorporated ("Z-Man"), through  
their respective attorneys and pursuant to the Court's Local Rule 6-2, hereby stipulate as follows:

Whereas Z-Man filed its Third Amended Counter-Complaint on March 15, 2007;

Whereas counsel for AEI filed a motion to dismiss directed to Z-Man's Third Amended  
Counter-Complaint on April 9, 2007 with a hearing date set for May 17, 2007;

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1           Whereas counsel for Z-Man is scheduled to commence a jury trial in a different matter in  
2 the Common Pleas Court of Defiance County, Ohio on May 14, 2007, which should last at least  
3 five days and will conflict with the hearing date currently set for AEI's motion to dismiss.

4           Whereas the parties have met and conferred on continuing the hearing date on AEI's  
5 motion to dismiss until May 24, 2007 and agreed to a revised briefing schedule for Defendant's  
6 opposition based on a May 24, 2007 hearing date;

7           Whereas the previous time modifications in this case include the following: 1) On April  
8 27, 2006, the parties stipulated to provide Z-Man with an additional 20 days within which to  
9 respond to AEI's Complaint. 2) On September 28, 2006, pursuant to Z-Man's request, the parties  
10 stipulated that the hearing date for the parties' pending motions (Z-Man's transfer motion and  
11 AEI's motion to dismiss counterclaims) and the date of the parties' Case Management Conference  
12 be rescheduled from October 20, 2006 to November 3, 2006. 3) On December 7, 2006, pursuant  
13 to the Court's authorization at the Case Management Conference for the parties to work out a  
14 stipulated briefing schedule for AEI's motion to dismiss Z-Man's first amended counterclaims  
15 and/or motion for judgment on the pleadings, the parties so stipulated to a briefing schedule and to  
16 a hearing date of February 2, 2007. 4) On December 20, 2007 the parties entered into a revised  
17 stipulation on the briefing schedule and hearing date for AEI's motion to dismiss Z-Man's First  
18 Amended Counter complaint in light of Z-Man's agreement to voluntarily drop some of its  
19 counterclaims by bringing a Second Amended Counter-Complaint. 5) On January 23, 2007 the  
20 parties entered a stipulation extending time for Z-Man to respond to AEI's motion to dismiss the  
21 Second Amended Counter-Complaint in light of a calendaring error which caused Z-Man not to  
22 file its opposition to AEI's motion on January 19, 2007 when it was otherwise due pursuant to the  
23 parties' December 20, 2007 stipulation. 6) On March 20, 2007, the parties entered a stipulation  
24 extending the time for AEI to respond to Z-Man's Third Amended Counter-Complaint to April 12,  
25 2007.

26           Whereas this stipulation will not have any affect on the schedule for the case.

27           IT IS HEREBY STIPULATED between AEI and Z-Man as follows:

28           1)       The hearing date for AEI's motion to dismiss directed to Z-Man's Third Amended

Counter-Complaint shall be continued from May 17, 2007 to May 24, 2007 at 2:00 p.m.

2) Z-Man's opposition to AEI's motion to dismiss shall be filed on or before April 30, 2007. AEI's reply thereto shall be filed on or before May 10, 2007.

Dated: April 18, 2007

MORRISON & FOERSTER, LLP

By: /S/ JENNIFER TAYLOR  
JENNIFER TAYLOR  
Attorneys for Plaintiff and Counter-Defendant  
Applied Elastomerics, Inc.

Dated: April 18, 2007

DILLINGHAM & MURPHY

By: /S/ MARK ROGERS  
MARK J. ROGERS  
Attorneys for Defendant and Counter-Complainant  
Z-Man Fishing Products, Inc.

IT IS SO ORDERED.

4/23/07

Dated: \_\_\_\_\_



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HONORABLE CLAUDIA WILKEN